

DOCUMENT #5534A
ADOPTED 11/10/92

MEMORANDUM

**TAKEN UNDER ADVISEMENT
OCTOBER 22, 1992**

NOVEMBER 10, 1992

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PAUL L. BARRETT, DIRECTOR

FROM: THOMAS O'MALLEY, ASSISTANT DIRECTOR,
NEIGHBORHOOD HOUSING AND DEVELOPMENT
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56:
ORDER OF TAKING

SUMMARY: This Memorandum requests adoption of an Order of Taking (confirmatory in nature) to assemble the Parcel P-6A for conveyance.

On May 20, 1992, the Boston Redevelopment Authority (BRA) granted final designation of Parcel P-6A bounded by Tremont Street, East Berkeley Street and Shawmut Avenue to the South End/Lower Roxbury Open Space Land Trust, Inc. for the continued use of a neighborhood community garden.

Parcel P-6A, containing 47,516 square feet, consists of 34 adjacent parcels with individual descriptions, all owned by the BRA. In order to cure any discrepancies in the descriptions, it is requested that the BRA adopt an Order of Taking (confirmatory in nature) combining all the parcels into a single Parcel P-6A.

It is, therefore, recommended that an Order of Taking (confirmatory in nature) be made to cure any defects in title and assemble the parcels into one lot.

An appropriate vote follows:

VOTED: That the BRA adopt and execute an Order of Taking (confirmatory in nature) for the assembly of Parcel P-6A located at the intersection of Tremont and East Berkeley Streets and Shawmut Avenue, containing approximately 47,516 square feet of vacant land in the South End Urban Renewal Area to ensure the continued use of the site as a neighborhood garden.



STREET

EAST BERKELEY

ALLEY

DWIGHT

MILFORD

BOND STREET

STREET

STREET

SHAWMUT AVE.

STREET

STREET

CHS J. WILLIAMS
EL. SCHOOL

ADOPTED

11/10/92

COMMONWEALTH OF MASSACHUSETTS

Suffolk ss.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of taking dated NOV. 10 1992 relating to portions of the SOUTH END URBAN RENEWAL AREA, MASS. R-56, be executed and made a permanent part of these proceedings, copies of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

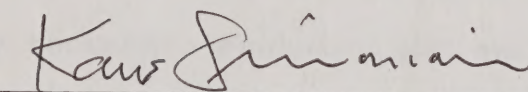
I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien

James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST:



Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, and Order of Taking, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s. 40; and

WHEREAS, the Authority is making this taking, which is confirmatory in nature, solely to cure and hence remove any cloud on the title to the property that may have arisen or if any there be.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent

to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner of owners and all other persons, including all mortgagees of record, having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award (awarded in ANNEX B) at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

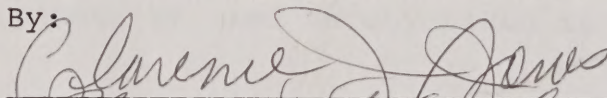
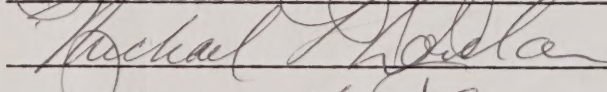
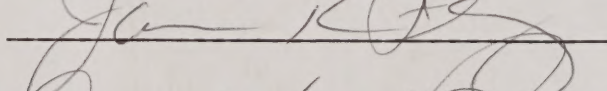
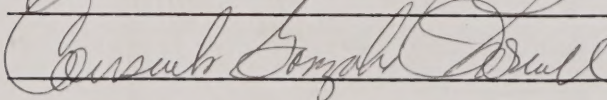
AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

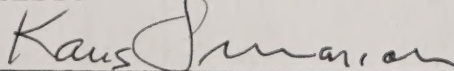
DATED: NOV. 10 1992

BOSTON REDEVELOPMENT AUTHORITY

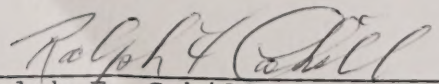
By:

ATTEST:


Secretary of the Boston Redevelopment Authority

Approved as to form:


Ralph F. Cahill, Assistant General Counsel
RFC9/UU/Cnf

ANNEX A
BOSTON REDEVELOPMENT AUTHORITY
SOUTH END URBAN RENEWAL AREA
TAKING AREA DESCRIPTION

The following parcel of land is taken by this Order of Taking:

PARCEL P-6A, containing approximately 47,516 square feet, is bounded and described as follows:

Commencing at a point where the Westerly side of Shawmut Avenue intersects the Southerly side of East Berkeley Street, formerly known as Dover Street; thence the line runs Westerly by East Berkeley Street seven hundred sixty-one (761') feet more or less to the Southerly corner of East Berkeley Street and Tremont Street;

thence turning and running by said Tremont Street a distance of sixty-three feet six inches (63'6") more or less to Public Alley 705;

thence turning and running Easterly by Public Alley 705 a distance of seven hundred forty-three (743') feet more or less to Shawmut Avenue;

thence turning and running Northeasterly on said Shawmut Avenue forty-one (41') feet ten and one-half (10 1/2) inches more or less;

thence Northerly on said Shawmut Avenue twenty-six (26') feet three and one-half (3 1/2) inches to the point of beginning be any or all measurements more or less. Containing approximately 47,516 square feet.

Included within this description is that parcel of registered land described in Certificate No. 80064, Land Court Case No. 11651.

Meaning and intending to take hereby those parcels of land now or formerly known as 500 thru 510 Tremont Street; 1 through 67 East Berkeley Street and 211-217 Shawmut Avenue.

The owner of the parcel of land hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

